APPENDIX A

Act of June 3, 1916, c. 134, Sec. 1, 39 Stat. 166; 10 USCA 5, Sec. 2:

§ 2. Composition of Army of United States. The Army of the United States shall consist of the Regular Army, the National Guard while in the service of the United States, and the Organized Reserves, including the Officers' Reserve Corps and the Enlisted Reserve Corps. (June 4, 1920, c. 227, subchapter I, § 1, 41 Stat. 759.)

Act of January 26, 1918; 40 Stat. 432; 32 USC 84.

CHAP. 11.—An Act To authorize the calling into the service of the United States the militia and other locally created armed forces in the Philippine Islands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the militia and other locally created armed forces in the Philippine Islands may be called into the service of the United States, and all members thereof may be drafted into said service and organized in such manner as is or may be provided by law for calling or drafting the National Guard into said service, and shall in all respects while therein be upon the same footing with members of the National Guard so called or drafted: *Provided,* That the pay and allowances of officers and men of the Philippine Militia and other locally created armed forces in the Philippine Islands called into the service of the United States under the provisions of this Act when serving in the Philippine Islands shall in no case exceed the pay and allowances for corresponding grades of Philippine Scouts.

Approved, January 26, 1918.

Philippine Independence Act. March 24. 1934. 48 Stat. 456.

[CHAPTER 84.]

AN ACT

To provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CONVENTION TO FRAME CONSTITUTION FOR PHILIPPINE ISLANDS

SECTION 1. The Philippine Legislature is hereby authorized to provide for the election of delegates to a constitutional convention, which shall meet in the hall of the house of representatives in the capital of the Philippine Islands, at such time as the Philippine Legislature may fix, but not later than October 1, 1934, to formulate and draft a constitution for the government of the Commonwealth of the Philippine Islands, subject to the conditions and qualifications prescribed in this Act, which shall exercise jurisdiction over all the territory ceded to the United States by the treaty of peace concluded between the United States and Spain on the 10th day of December 1898, the boundaries of which are set forth in article III of said treaty, together with those islands embraced in the treaty between Spain and the United States concluded at Washington on the 7th day of November 1900. The Philippine Legislature shall provide for the necessary expenses of such convention.

CHARACTER OF CONSTITUTION—MANDATORY PROVISIONS

SEC. 2. (a) The constitution formulated and drafted shall be republican in form, shall contain a bill of rights, and shall, either as a part thereof or in an ordinance

appended thereto, contain provisions to the effect that, pending the final and complete withdrawal of the sovereignty of the United States over the Philippine Islands—

(1) All citizens of the Philippine Islands shall owe allegiance to the United States.

(2) Every officer of the government of the Commonwealth of the Philippine Islands shall, before entering upon the discharge of his duties, take and subscribe an oath of office, declaring, among other things, that he recognizes and accepts the supreme authority of and will maintain true faith and allegiance to the United States.

• • • • •

(6) The public debt of the Philippine Islands and its subordinate branches shall not exceed limits now or hereafter fixed by the Congress of the United States; and no loans shall be contracted in foreign countries without the approval of the President of the United States.

• • • • •

(10) Foreign affairs shall be under the direct supervision and control of the United States.

• • • • •

(12) The Philippine Islands recognizes the right of the United States to expropriate property for public uses, to maintain military and other reservations and armed forces in the Philippines, and, upon order of the President, to call into the service of such armed forces all military forces organized by the Philippine government.

(13) The decisions of the courts of the Commonwealth of the Philippine Islands shall be subject to review by the Supreme Court of the United States as provided in paragraph (6) of section 7.

• • • • •

IMMIGRATION AFTER INDEPENDENCE

SEC. 14. Upon the final and complete withdrawal of American sovereignty over the Philippine Islands the immigration laws of the United States (including all the provisions thereof relating to persons ineligible to citizenship) shall apply to persons who were born in the Philippine Islands to the same extent as in the case of other foreign countries.

Approved, March 24, 1934.

Constitution of the Philippine Commonwealth

The Constitution of the Philippine Commonwealth adopted February 8, 1935, provided, in article VII, section 11 (2):

> The President [of the Commonwealth] shall be Commander-in-Chief of all armed forces of the Philippines and, whenever it becomes necessary, he may call out armed forces to prevent or suppress violence, invasion, insurrection, or rebellion. • • •

The Ordinance appended to the Constitution provided:

> Section 1. Notwithstanding the provisions of the foregoing Constitution, pending the final and complete withdrawal of the sovereignty of the United States over the Philippines.
>
> • • • • •
>
> (12) The Philippines recognizes the right of the United States • • • upon order of the President of the United States, *to call into the service of such armed forces* all military forces organized by the Government of the Commonwealth of the Philippines. [Italics supplied.]

Title X—Naturalization of Persons Serving in the Armed Forces of the United States During the Present War.

Sec. 640. Amendment of Nationality Act of 1940

The Act of October 14, 1940 (54 Stat. 1137; U.S.C., 1940 ed., sections 501-907 of Title 8), entitled "An Act to revise and codify the nationality laws of the United States into a comprehensive nationality code", is hereby amended by adding thereto a new title (sections 1001-1006 of Title 8) as follows:

"Title III

"Sec, 701. Notwithstanding the provisions of sections 303 and 326 of this Act (sections 703 and 726 of Title 8), any person not a citizen, regardless of age, who has served or hereafter serves honorably in the military or naval forces of the United States during the present war and who, having been lawfully admitted to the United States, including its Territories and possessions, shall have been at the time of his enlistment or induction a resident thereof, may be naturalized upon compliance with all the requirements of the naturalization laws except that (1) no declaration of intention and no period of residence within the United States or any State shall be required; (2) the petition for naturalization may be filed in any court having naturalization jurisdiction regardless of the residence of the petitioner; (3) the petitioner shall not be required to speak the English language, sign his petition in his own handwriting, or meet any education test; and (4) no fee shall be charged or collected for making, filing, or docketing the petition for naturalization, or for the final hearing thereon, or for the certification of naturalization, if issued: *Provided, however,* That (1) there shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each such witness personally knows the petitioner to be a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good

order and happiness of the United States, (2) the service of the petitioner in the military or naval forces of the United States shall be proved by affidavits, forming part of the petition, of at least two citizens of the United States, members or former members during the present war of the military or naval forces of the noncommissioned or warrant officer grade or higher (who may be the witnesses described in clause (1) of this proviso), or by a duly authenticated copy of the record of the executive department having custody of the record of petitioner's service, showing that the petitioner is or was during the present war a member serving honorably in such armed forces, and (3) the petition shall be filed not later than December 31, 1946. The petitioner may be naturalized immediately if prior to the filing of the petition the petitioner and the witnesses required by the foregoing proviso shall have appeared before and been examined by a representative of the Immigration and Naturalization Service.

• • • • •

"Sec. 706. No persons shall be naturalized under the provisions of this title (sections 1001-1006 of Title 8) unless such person has served in the military or naval forces of the United States prior to the date of enactment of this section (December 28, 1945)." Mar. 27, 1942, 3 p.m. E.W.T., c. 199, Title X, § 1001, 56 Stat. 182; Dec. 28, 1945, c. 590, § 1(c), 59 Stat. 658.

Section 1491 Judicial Code, 28 USCA 1491.

§ 1491. Claims against United States generally

The Court of Claims shall have jurisdiction to render judgment upon any claim against the United States:

(1) Founded upon the Constitution; or

(2) Founded upon any Act of Congress; or

(3) Founded upon any regulation of an executive department; or

(4) Founded upon any express or implied contract with the United States; or

(5) For liquidated or unliquidated damages in cases not sounding in tort. June 25, 1948, c. 646, 62 Stat. 940.

Section 2502 Judicial Code, 28 USCA 1491.

§ 2502. Aliens' privilege to sue.

Citizens or subjects of any foreign government which accords to citizens of the United States the right to prosecute claims against their government in its courts may sue the United States in the Court of Claims if the subject matter of the suit is otherwise within such court's jurisdiction. June 25, 1948, c. 646, 62 Stat. 976.

APPENDIX B

November 18, 1918.

By The President of the United States of America

A PROCLAMATION.

Whereas, by an Act of Congress entitled, "An Act to Authorize the Calling into the Service of the United States, the Militia and Other Locally Created Armed Forces in the Philippine Islands and for Other Purposes," approved by the President on the twenty-sixth of January, one thousand nine hundred and eighteen, it is provided that the militia and other regularly armed forces in the Philippine Islands may be called into said service and organized in such manner as is or may be provided by law for calling or drafting the National Guard into said service, and

Whereas, by an Act of Congress entitled, "An Act for Making Further and More Effectual Provision for the National Defense and Other Purposes," approved the third day of June, one thousand nine hundred and sixteen, it is provided that, "The National Guard, when called as such into the service of the United States shall, from the time they are required by the terms of the call to respond thereto, be subject to the laws and regulations governing the Regular Army,"

Now, therefore, I, Woodrow Wilson, President of the United States of America, by authority of the powers conferred upon me by said Acts of Congress, do hereby call into the military service of the United States to serve therein for the period of one month, unless sooner discharged, as of and from the twentieth day of November, one thousand nine hundred and eighteen, the members of one Infantry Division of the Philippine Guard, as organized under the Tables of Organization of the United States Army, approved the third day of May, one thousand nine hundred and seventeen, as appears in Table twenty-five

thereof, saving and excepting one major general, one regiment of cavalry, one aero squadron, artillery and trains.

All persons hereby called, shall, on and from the twentieth day of November, one thousand nine hundred and eighteen, be subject to the laws and regulations governing the Regular Army.

The officers of said organizations who are called and whose offices are provided for in like organizations of the Regular Army, under Tables of Organization here before referred to, shall continue to exercise command in the grade in which they now hold commissions as officers of said Guard. On and from the twentieth day of November, one thousand nine hundred and eighteen, the non-commissioned officers of said organizations, the members of which are hereby called, shall continue as non-commissioned officers in said organizations in the Federal Service with the same relative rank as heretofore and all other enlisted men in said organizations shall continue in the grades and ratings held by them in the Guard of the Philippine Islands on the twentieth day of November, one thousand nine hundred and eighteen, in all cases where such grades and ratings correspond to the grades and ratings provided for in like organizations of the Regular Army as provided in the Tables of Organization herein referred to. These, however, shall be without prejudice to the authority of the duly authorized commanders in respect to promotions and changes in the enlisted personnel.

The several organizations hereby called into the Federal Service will bear the designation which they now hold in the Guard of the Philippine Islands.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the District of Columbia this eighteenth day of November in the year of our Lord one thousand nine

hundred and eighteen, and in the Independence of the United States of America, the one hundred and forty-third.

WOODROW WILSON

(SEAL)

By the President:

ROBERT LANSING,
Secretary of State.

Military Order of July 26, 1941

ORGANIZED MILITARY FORCES OF THE GOVERNMENT OF THE COMMONWEALTH OF THE PHILIPPINES CALLED INTO SERVICE OF THE ARMED FORCES OF THE UNITED STATES.

Under and by virtue of the authority vested in me by the Constitution of the United States, by section 2(a)(12) of the Philippine Independence Act of March 24, 1934 (48 Stat. 457), and by the corresponding provision of the Ordinance appended to the Constitution of the Commonwealth of the Philippines, and as Commander-in-Chief of the Army and Navy of the United States, I hereby call and order into the service of the armed forces of the United States for the period of the existing emergency, and place under the command of a General Officer, United States Army, to be designated by the Secretary of War from time to time, all of the organized military forces of the Government of the Commonwealth of the Philippines: *Provided*, that all naval components thereof shall be placed under the command of the Commandant of the Sixteenth Naval District, United States Navy.

This order shall take effect with relation to all units and personnel of the organized military forces of the Government of the Commonwealth of the Philippines, from and after the dates and hours, respectively,

indicated in orders to be issued from time to time by the General Officer, United States Army, designated by the Secretary of War.

FRANKLIN D. ROOSEVELT

The White House,
July 26, 1941.

Executive Order 9001

Authorizing the War Department, the Navy Department, and the United States Maritime Commission to Perform the Functions and Exercise the Powers Described in Title II of an Act Approved December 18, 1941, Entitled "An Act to Expedite the Prosecution of the War Effort", and Prescribing Regulations for the Exercise of Such Functions and Powers

The successful prosecution of the war requires an all-out industrial mobilization of the United States in order that the materials necessary to win the war may be produced in the shortest possible time. To accomplish this objective it is necessary that the Departments of War and the Navy and the United States Maritime Commission cooperate to the fullest possible degree with the Office of Production Management in the endeavor to make available for the production of war material all the industrial resources of the Country. It is expected that in the exercise of the powers hereinafter granted, these Agencies and the Office of Production Management will work together to bring about the conversion of manufacturing industries to war production, including the surveying of the war potential of industries, plant by plant; the spreading of war orders; the conversion of facilities; the assurance of efficient and speedy production; the development and use of subcontracting to the fullest extent and the conservation of strategic materials.

TITLE I

1. By virtue of the authority in me vested by the Act of Congress, entitled "An Act to expedite the prosecution of the War effort", approved December 18, 1941, (hereinafter called "the Act") and as President of the United States and Commander-in-Chief of the Army and Navy of the United States, and deeming that such action will facilitate the prosecution of the war, I do hereby order that the War Department, the Navy Department, and the United States Maritime Commission be and they hereby respectively are authorized within the limits of the amounts appropriated therefor to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts. The authority herein conferred may be exercised by the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission respectively or in their discretion and by their direction respectively may also be exercised through any other officer or officers or civilian officials of the War or the Navy Departments or the United States Maritime Commission. The Secretary of War, the Secretary of the Navy, or the United States Maritime Commission may confer upon any officer or officers of their respective departments, or civilian officials thereof, the power to make further delegations of such powers within the War and the Navy Departments, and the United States Maritime Commission.

2. The contracts hereby authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of war, or for the invention, development, or production of, or research concerning any such things, including but not limited to, aircraft,

buildings, vessels, arms, armament, equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities, machinery, machine tools, and any other equipment, without any restriction of any kind, either as to type, character, location or form.

3. The War Department, the Navy Department, and the United States Maritime Commission may by agreement modify or amend or settle claims under contracts heretofore or hereafter made, may make advance, progress, and other payments upon such contracts of any percentum of the contract price, and may enter into agreements with contractors and/or obligors, modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, whenever, in the judgment of the War Department, the Navy Department, or the United States Maritime Commission respectively the prosecution of the war is thereby facilitated. Amendments and modifications of contracts may be with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished hereunder, irrespective of the time or circumstances of the making of or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract, or the amendments or modifications thereof.

4. Advertising, competitive bidding, and bid, payment, performance or other bonds or other forms of security, need not be required.

TITLE II

Pursuant to Title II of the Act and for the protection of the interests of the United States, I do hereby prescribe the following regulations for the exercise of the authority herein conferred upon the War Department, the Navy Department, and the United States Maritime Commission.

1. All contracts and all purchases made pursuant to the Act and this Executive Order shall be reported to the President of the United States. Such reports shall be made at least quarter-annually, provided, however, that purchases or contracts of less than $100,000 may be consolidated in such reports with other such purchases and need not be separately set forth. In case the War Department, the Navy Department, or the United States Maritime Commission shall deem any purchase or contract to be restricted, confidential, or secret in its nature by reason of its subject matter, or for other reasons affecting the public interest, such purchases or contracts shall not be included with those described in the report just mentioned, but shall be included in a separate report containing such restricted, confidential, or secret purchases or contracts. The Secretary of War, the Secretary of the Navy, and the United States Maritime Commission shall make public so much of such reports (other than those reports covering restricted, confidential, or secret contracts or purchases) as they shall respectively deem to be compatible with the public interest.

2. Notwithstanding anything in the Act or this Executive Order the War Department, the Navy Department, and the United States Maritime Commission shall not discriminate in any act performed thereunder against any person on the ground of race, creed, color or national origin, and all contracts shall be deemed to incorporate by reference a provision that the contractor and any subcontractors thereunder shall not so discriminate.

3. No claim against the United States arising under any purchase or contract made under the authority of the Act shall be assigned except in accordance with the Assignment of Claims Act, 1940 (Public No. 811, 76th Congress, approved October 9, 1940).

4. Advance payments shall be made hereunder only after careful scrutiny to determine that such payments

will promote the national interest and under such regulations to that end as the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission may prescribe.

5. Every contract entered into pursuant to this order shall contain a warranty by the contractor in substantially the following terms:

"The contractor warrants that he has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul, the contract, or, in its discretion, to deduct from the contract price or consideration the amount of such commission, percentage, brokerage, or contingent fees. This warranty shall not apply to commissions payable by contractors upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business."

6. Nothing herein shall be construed to authorize the cost-plus-a-percentage-of-cost system of contracting.

7. Nothing herein shall be construed to authorize any contracts in violation of existing law relating to limitation of profits, or the payment of a fee in excess of such limitation as may be specifically set forth in the act appropriating the funds obligated by a contract. In the absence of such limitation, the fixed fee to be paid the Contractor as a result of any cost-plus-a-fixed-fee contract entered into under the authority of this Order shall not exceed seven per centum of the estimated cost of the contract (exclusive of the fee as determined by the Secrtary of War, the Secretary of the Navy, or the United States Maritime Commission, as the case may be).

8. No contract or modification or amendment thereof shall be exempt from the provisions of the Walsh-Healey Act (49 Stat. 2036) because of being entered into without

advertising or competitive bidding, and the provisions of such act, the Davis-Bacon Act, as amended (49 Stat. 1011), the Copeland Act, as amended (48 Stat. 948), and the Eight Hour Law, as amended by the Act of September 9, 1940 (Public No. 781, 76th Congress) if otherwise applicable shall apply to contracts made and performed under the authority of this Order.

FRANKLIN D. ROOSEVELT

The White House
December 27, 1941.

Military Order

ORGANIZED MILITARY FORCES OF THE GOVERNMENT OF THE COMMONWEALTH OF THE PHILIPPINES RELEASED FROM THE SERVICE OF THE ARMED FORCES OF THE UNITED STATES.

Under and by virtue of the authority vested in me by the Constitution of the United States, by section 2(a) (12) of the Philippine Independence Act of March 24, 1934 (48 Stat. 457), and by the corresponding provision of the Ordinance appended to the Constitution of the Commonwealth of the Philippines, and as Commander in Chief of the Army and Navy of the United States, I hereby release from the service of the armed forces of the United States all of the organized military forces of the Government of the Commonwealth of the Philippines called and ordered into the service of the armed forces of the United States pursuant to the Military Order of July 26, 1941.

The said Military Order of July 26, 1941, is hereby revoked.

This order shall take effect at 12:00 midnight June 30, 1946.

HARRY S. TRUMAN

The White House,
June 29, 1946.

APPENDIX C

HEADQUARTERS
UNITED STATES ARMY FORCES IN THE FAR EAST
MANILA, P. I.

General Orders
No. 46

18 December, 1941.

1. Pursuant to provisions of the Proclamation of the President of the United States, dated July 26, 1941, all personnel of the Philippine Army on active duty and all active units of the Philippine Army, less personnel and units already accepted for service with the United States Army Forces, are hereby called into the service of the armed forces of the United States in the Philippines, effective on the date of acceptance for the period of the existing emergency, and will be accepted for such service by officers in the service of the United States Army Forces in the Philippines.

2. Personnel of the Philippine Army which may hereafter be called to active duty and units thereof which may hereafter be activated are hereby called into the service of the armed forces of the United States in the Philippines, effective on the date of acceptance, and will be accepted for such service by officers in the service of the United States Army Force in the Philippines.

By command of Lieutenant General MacArthur:

R. K. Sutherland,
Brigadier General, GSC,
Chief of Staff.

Official:

Carl R. Seals,
Colonel, A. G. D.
Adjutant General.

A True Copy:

s/ William Barr, Jr.
t/ William Barr, Jr.,
Captain, AGD.

APPENDIX D

EMBASSY OF THE PHILIPPINES
WASHINGTON, D. C.

February 15, 1956

Mr. Prew Savoy
203 World Center Building
Washington 6, D. C.

My dear Mr. Savoy:

I have for acknowledgement your letter dated today regarding the claims of certain Filipino citizens against the United States of America on account of requisitions of guerrillas. I am very happy indeed to give you every possible and proper assistance in obtaining a full and final legal determination of the liability of the United States for debts created by reason of the necessary requisitions of the recognized Filipino Guerrillas in World War II. You are well aware that, in the absence of voluntary assumption of such liability by the United States, a final decision by your highest court is generally a condition precedent to diplomatic representations in such matters.

I will answer the three questions contained in your letter of February 15, 1956, *seriatim*. I believe that my statements fairly well represent the opinion of the people of the Phillipines on the subject.

(1) The first question I will answer by referring to my speech before the House of Representatives, as Resident Commissioner of the Philippines to the United States, on February 28, 1946, in which I said:

* * * * *

"But there is a legal bond between us that serves to complement the moral and emotional bond. Our troops fought, not only as Filipino soldiers but as soldiers of the Army of the United States, as American nationals fighting in defense of the

American flag on soil over which the United States had full sovereignty. When they fought, were wounded, were killed, they were Filipinos, yes, but they were also American nationals."

The attack by the Imperial Japanese Government was an attack—not on the Filipinos as such—but on the United States, against Americans on American soil.

When the Philippine Army was "called into the service of the Armed Forces of the United States" by Military Order of the President of the United States and received its orders from General MacArthur, every single soldier —while defending his native soil—felt that he was defending the American flag—the United States of America—as well as did any soldier from the mainland.

(2) Notwithstanding the fall of Corregidor and the official surrender of the Armies to Japan, many heroic bands of guerrillas took to the hills to harass the enemy, refusing to surrender. History has recorded their valiant efforts and achievements to the great benefit of the United States, necessary to the reoccupation of the Philippines by the armed forces of the United States. These guerrillas were given full recognition by President Osmena and General MacArthur on the latter's return to the Philippines. Their leaders had sworn allegiance to the United States and their men had, in turn, been so sworn by them. To survive the ordeals of this uphill fight, the guerrillas needed food and all manner of supplies, which they requisitioned. Receipts were given, and in every case of which I have knowledge the requisitioning officer unqualifiedly promised that the United States Army would pay upon its return to the Philippines.

The suppliers believed and, in my opinion, had every right to believe, that they were supplying guerrilla units of the American Army in defense of the United States and would be paid by the United States Army.

(3) Many thousands of such claims were filed before the Army Claims Service established for the payment of claims against the United States Army. Thousands of claims were allowed and paid. However, many thousands of claims were filed as the Army Claims Service was terminating its work and returning to the United States and were summarily dismissed. Thousands were filed too late and there are many who never filed because there was no one left with whom to file. Considering the number of islands comprising the Philippines, this is understandable.

We are now concerned with those who did file claims which for one reason or another were dismissed and who have sought a review by the Court of Claims, or who failed so to file because of the first decision in *Isidro Victorio* in 1950, which held that there was no liability on the part of the United States.

These people strongly feel, rightly or wrongly, that they have suffered an injustice at the hands of the United States Army. They feel that they supplied the United States Army, were promised payment, and that the United States Army left the Philippines without giving them a full opportunity to present their claims and without paying its obligations. Among them, their friends and families, which are indeed numerous, this cannot help but create an ill feeling toward the United States which we all hope can be avoided. There are bound to be enough problems between our two countries without having one so based.

They feel that the Court of Claims has done them a great wrong because their claims have never been heard on the merits. They cannot believe that these were not debts of the United States and they hope that your Supreme Court will decide otherwise.

Even if they now must turn to their Government for assistance and there, by reason of agreement between the

two Governments are eventually paid, they will feel that the United States Army and its Courts did not meet their responsibility. I feel that the elements which from time to time will seek to estrange Filipinos from the United States should not be augmented by disillusioning and embittering those who so loyally came to the assistance of the Guerrilla units of the United States Army. For this reason, I consider the matter of national importance and possibly of eventual international importance to the United States.

I fervently hope that—as a good and devoted friend of the United States—I can preserve the feeling of love and of comradeship of the Filipino people for the United States which existed before and during World War II, and the deep appreciation which they still have for the United States for helping them achieve their independence in accordance with its promises.

Sincerely yours,

CARLOS P. ROMULO

February 15, 1956

Honorable Carlos P. Romulo
Ambassador to the United States
Philippine Embassy
1617 Massachusetts Avenue, N. W.
Washington 6, D. C.

In re: Claims of Filipinos vs. United States of America for Requisitions by Guerrillas

Dear Mr. Ambassador:

As you well know, for the past several years I have been vigorously prosecuting claims of Filipinos versus the United States on account of requisitions of guerrillas,

before the United States Court of Claims. In 1952, that Court held, in the case of *Isidro Victorio* (reversing its earlier decision of 1950) that the United States was liable for the debt created by such a requisition. In July of 1955, in the case of *Eleuterio Logronio*, that Court specifically reversed its decision in the *Victorio* case.

On December 5, 1955, I argued the case of *Jose Soriano* before that Court. The case was promptly dismissed on the basis of the *Logronio* case, and I notified the Court of Claims that I would petition the United States Supreme Court for a *writ of certiorari*, which petition I intend to file within the month, so that the question may be reviewed. I do not go to the Supreme Court as a matter of right, but as a matter of grace, and the bases for such a review are very limited.

The two grounds for the granting of a petition for a *writ of certiorari* most persuasive to the Supreme Court are (1) that there exists a conflict in court decisions, and (2) that the question is of national importance.

I have found legal support for urging that there does exist a conflict on the question as to whether the Guerrillas, recognized by President Osmena and General Douglas MacArthur, called by the President of the United States, as Commander-in-Chief of the Army, into the service of the armed forces of the United States, were part of the armed forces of the United States, so that their requisitions created a debt of the United States for which it is liable. However, this may not be sufficient to convince the Supreme Court of the necessity for its judicial review of the question.

I can state to the Court that the question is of national importance—but that would be only *my* opinion. I can think of no one better qualified than you to give an opinion on the importance to the United States of having a judicial determination of this question, by reason of its international importance, which opinion I can use in support of

my allegation to that effect. Therefore, I am seeking your help.

I am sure you know (1) what the Filipinos thought, when they were "called into the service of the armed forces of the United States"; (2) what the Filipino people thought when the Guerrilla units requisitioned supplies, were given receipts and were told that the United States Army would pay at the end of the War; and (3) what the Filipinos who filed claims, which were neither heard nor paid, will think, how they will feel toward the United States if there is no legal determination other than by the Court of Claims as its decision now stands.

I believe, Mr. Ambassador, that an expression of opinion from you on this subject can be persuasive and is necessary to a determination of the question.

With highest personal regards, I am—

Sincerely yours,

PREW SAVOY

APPENDIX E

GENERAL HEADQUARTERS
FAR EAST COMMAND

APO 500
3 January 1947

AG 370.64 (3 Jan 47)JA

Subject: Claims Arising Out of Guerrilla Activities.

To: Commanding General, Philippines-Ryukyus Command
APO 707

1. The instructions for the payment of claims arising out of guerrilla activities contained in the basic letter, 23 October 1946, AG 370.74 (23 October 46)JA, subject: "Claims Arising Out of Guerrilla Activities", this headquarters to the Commanding General, AFWESPAC, are superseded by the following:

2. By authority of the 1st War Power Act of 1941 and Executive Order 9001, and under the provisions of circular 53, W. D. 1946, the payment of certain claims arising out of the activities of recognized guerrilla units in the Philippines is authorized. Payments will be limited to claims for the value of:

a. equipment.
b. supplies
c. services of civilians
d. use and occupation of land not in connection with actual combat operations

3. Such claims will be paid:

a. Where the claim arose between the original date of recognition of the guerrilla unit and the date of the termination of the recognition, or the deactivation thereof;

b. Where definite proof establishes that the obligation was not intended as a patriotic donation to the

common cause against the enemy, but was furnished with the agreement that payment would be made therefor;

c. Where the obligation incurred was necessary for the conduct of operations against the enemy.

4. Such claims will be paid from the appropriation, "expenses, Army of the Philippines."

5. The dates of the beginning of the recognition of guerrilla forces and units, and the dates of the termination of the recognition, or the deactivation of the guerrilla forces and units, will be established by the Commanding General PHILRYCOM.

By Command of General MacArthur:

s/ J. M. Ebbit
Captain, AGD
Asst Adj Gen

Order of the Court on Defendant's Motion for Judgment on the Pleadings

IN THE UNITED STATES COURT OF CLAIMS

No. 50127

JOSÉ SORIANO

v.

THE UNITED STATES

ORDER

This case comes before the court on defendant's motion for judgment on the pleadings urging dismissal of plaintiff's petition on the authority of the decision in *Logronio v. The United States*, No. 354-54, decided July 12, 1955, and, upon consideration thereof,

It is ORDERED this sixteenth day of December, 1955, that defendant's motion for judgment on the pleadings be and the same hereby is granted and plaintiff's petition is dismissed.

By the Court,

/s/ BENJAMIN H. LITTLETON
Benjamin H. Littleton
Acting Chief Judge